

### **REMARKS**

Applicant thanks the Examiner for the courtesy extended during the interview of April 10, 2007.

Claims 1-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,258,548 to Buck. Claims 1-7 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,177,281 to Manita. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buck in view of U.S. Patent Application No. 2003/0162236 to Harris et al.

As discussed during the interview, it is believed that the present amendments more clearly define the presently pending claims from the cited art. For example, none of the cited references teach or suggest comparing the intensity of a detection signal to the intensity of a calibration signal, wherein the quantity of an analyte within a test sample in excess of a predefined base quantity is proportional to the intensity of the detection signal calibrated by the intensity of the calibration signal. In this regard, the Office Action combines Harris et al. with Buck to arrive at the presently pending claims, as now amended. However, Harris et al. would not be properly combinable with Buck because Buck already utilizes a semi-quantitative method of analyte detection based upon color transitions. Thus, combining the method of Harris et al. with Buck to calculate analyte concentration would completely frustrate the method of operation of Buck.

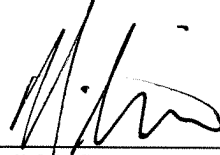
It is thus believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner DiRamio

is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Neil M. Batavia', written over a horizontal line.

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